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EXAMINER

GRAHAM, CLEMENT B

ART UNIT

PAPER NUMBER

3692

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/022,075

Applicant(s)

BEGGINS ET AL.

Examiner

Clement B. Graham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-48 remained pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
Claims 1, 19, 36, 43-48, rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claim 1, 19, 36, 43-48, states "existing commercial mortgage account "existing terms" it is unclear because is there a previous commercial mortgage account, and previous existing terms and if so what is the relationship ...". For further examination, the examiner interprets the limitation in light of this 112, second rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-48, are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al (Hereinafter Martin U.S Patent 6, 304, 860) in view of Ashenmil et al (Hereinafter Ashenmil U.S Patent 6, 615, 187).

As per claim 1, Martin discloses a method for facilitating payment by a borrower having an account involving a commercial mortgage loan, comprising:
accessing by a borrower, an electronically accessible resource, that includes information regarding an existing mortgage loan account (see column 6 lines 63-67 and column 7 lines 1-19)
determining a payment due currently or in the future (i. e, payments due today may be subject to late charge if paid tomorrow), from said borrower, wherein said payment is associated existing terms of with said mortgage loan account (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24)

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providing a notification via a first electronic communication to said borrower regarding said payment(see column 7 lines 29-43)

receiving authorization from said borrower via a second electronic communication to process said payment and processing said payment. (see column 6 lines 63-67 and column 7 lines 1-19).

Martin fail to explicitly teach wherein commercial and ownership interest in the commercial mortgage loan is provided via at least one commercial mortgage backed security.

However Ashenmil discloses in the preferred embodiment, the REBO may be collected with other REBOs to produce a pool of REBOs, thereby diversifying the investment and reducing the overall risk. Since the REBO is an option or contractual right on the part of the REBO owner to receive a future cash flow, it is as easily securitized as any other cash generating asset, such as credit card accounts, home equity loans, and mortgages. Securitizing a REBO or pool of REBOs enables the owner of the REBOs to receive cash in the present for a predicted future cash flow. As such, well-known methods of asset-backed securitization can be applied to the REBO to make it a valuable investment tool.(see column 11 lines 15-32).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Martin to include commercial and ownership interest in the commercial mortgage loan is provided via at least one commercial mortgage backed security taught by Ashenmil in order to securities the mortgage.

As per claim 2, Martin discloses wherein said allowing access by a borrower to an electronically accessible resource, wherein said electronically accessible resource includes information regarding a commercial mortgage loan account, includes operating a Web site and allowing said borrower to access said information via said Web site. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19), and column 8 lines 12-24)

As per claim 3, Martin discloses wherein said allowing access by a borrower to an electronically accessible resource, wherein said electronically accessible resource

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includes information regarding a commercial mortgage loan account, includes at least one of the following:

hosting a Web site accessible by said borrower; operating a Web site accessible by said borrower; hosting said electronically accessible resource; and operating said electronically accessible resource. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24)

As per claim 4, Martin discloses wherein said providing a notification via a first electronic communication to said borrower regarding said payment includes at least one of the following:

providing said notification via an email message to said borrower. displaying a message to said borrower regarding said payment when said borrower accesses a Web site on which information regarding said account is located; and

displaying a message to said borrower regarding said payment when said borrower accesses a Web site on which information regarding said payment is located.

As per claim 5, Martin discloses wherein said receiving authorization from said borrower via a second electronic communication to process said payment includes at least one of the following:

receiving said authorization from said borrower when said borrower accesses said electronically accessible resource;

receiving said authorization via a Web site accessed by said borrower after said borrower receives said notification;

receiving said authorization via information provided by said borrower via a Web page displayed to said borrower; and

determining an indication of said authorization from activity by said borrower on a Web page displayed to said borrower. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 6, Martin discloses wherein said receiving authorization from said borrower via a second electronic communication to process said payment includes receiving information from said borrower necessary to process said payment.

As per claim 7, Martin discloses processing said payment includes making said payment for said borrower. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 8, Martin discloses further comprising:
receiving information from said borrower necessary to process said payment. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 9, Martin wherein said information received from said borrower includes at least one of the following:
a name of a bank associated with said borrower; an ABA routing number;
an identifier of a financial account associated with said borrower;
and an indication of an authorization to process said payment. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 10, Martin discloses wherein said notification provided to said borrower via a first electronic communication includes at least one of the following:
data indicative of a location where information regarding said payment can be located;
a link associated with a location wherein information regarding said payment can be located data indicative of a location where information regarding said account be located(see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24) a link associated with a location wherein information regarding said account can be located;
an identifier of said borrower; an identifier of said account; an amount due; and
a due date associated with said payment an identifier of a recipient of said payment.
(see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 11, Martin discloses wherein said first electronic communication comprises one of the following:
an email message;

an instant message communication; and a wireless signal transmission. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 12, Martin discloses further comprising: identifying a due date associated with said payment. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 13, Martin discloses wherein said providing a notification via a first electronic communication to said borrower regarding said payment occurs before said due date. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 14, Martin discloses further comprising: identifying a drop date associated with said payment. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 15, Martin discloses wherein said providing a notification via a first electronic communication to said borrower regarding said payment occurs after said drop date. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 16, Martin discloses wherein said electronically accessible resource includes a Web site.

As per claim 17, Martin discloses wherein said electronically accessible resource includes a database. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 18, Martin discloses further comprising: providing a notification to said borrower that said payment has been processed. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 19, Martin discloses a method for facilitating referral by a borrower to a vendor, wherein the borrower has an account involving a commercial mortgage loan and ownership interest in the commercial mortgage loan is provided via at least one commercial mortgage backed security, comprising:

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allowing accessing by a borrowers an electronically accessible resource, that includes information regarding an existing mortgage loan accounts wherein the borrower has a loan account associated with the mortgage loan and receiving a request via said electronically accessible resource from said borrower for a referral for a service, wherein said borrower is associated with said account;

identifying a vendor that can provide said service(see column 6 lines 63-67 and column 7 lines 1-19)

identifying at least one step associated with said request; providing a notification via an electronic communication to said vendor regarding said request and said at least one step; and communicating with said vendor regarding said at least one step. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

Martin fail to explicitly teach commercial, and ownership interest in the commercial mortgage loan is provided via at least one commercial mortgage backed security.

However Ashenmil discloses in the preferred embodiment, the REBO may be collected with other REBOs to produce a pool of REBOs, thereby diversifying the investment and reducing the overall risk. Since the REBO is an option or contractual right on the part of the REBO owner to receive a future cash flow, it is as easily securitized as any other cash generating asset, such as credit card accounts, home equity loans, and mortgages. Securitizing a REBO or pool of REBOs enables the owner of the REBOs to receive cash in the present for a predicted future cash flow. As such, well-known methods of asset-backed securitization can be applied to the REBO to make it a valuable investment tool.(see column 11 lines 15-32).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Martin to include ownership interest in the commercial mortgage loan is provided via at least one commercial mortgage backed security taught by Ashenmil in order to securitizes the mortgage.

As per claim 20, Martin discloses wherein said at least one step includes at least one action to be taken by said vendor by a specific date. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 21, Martin discloses wherein said communicating with said vendor regarding said at least one step includes providing a notification to said vendor indicative of a lack of a completion of said at least one step. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 22, Martin discloses wherein said communicating with said vendor regarding said at least one step includes receiving an indication from said vendor of a completion of said at least one step. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 23, Martin discloses wherein said at least one step includes a plurality of steps and said communicating with said vendor regarding said at least one step includes:

providing a notification to said vendor indicative of a lack of a completion of a first of said plurality of steps. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

receiving an indication from said vendor of a completion of said first of said plurality of steps;

providing a notification to said vendor indicative of a lack of a completion of a second of said plurality of steps; and

receiving an indication from said vendor of a completion of said second of said plurality of steps. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 24, Martin discloses wherein said notification provided to said vendor includes at least one of the following:

an identifier associated with said request;

an identifier associated with said borrower; and

data indicative of a location where information regarding said borrower is located. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 25, Martin discloses wherein said at least one step includes a plurality of steps and wherein said communicating with said vendor regarding said at least one

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step includes providing a notification to said vendor when one of said plurality of steps is not indicated by said vendor as being completed. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 26, Martin discloses further comprising:
providing an invoice to said vendor when said service is provided to the borrower. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 27, Martin discloses further comprising:
providing an invoice to said vendor when said at least one step is completed. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 28 Martin discloses further comprising:
determining if said vendor has completed said at least one step. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 29, Martin discloses further comprising:
providing a notification to said borrower regarding said vendor. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 30, Martin discloses further comprising:
providing a notification to said borrower regarding said at least one step. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 31, Martin discloses further comprising:
receiving a fee from said vendor. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 32, Martin discloses, wherein said electronic communication is an email message. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 33, Martin discloses, wherein said electronically accessible resource is a Web site. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 34, Martin discloses, wherein said receiving a request via said electronically accessible resource from said borrower for a service, wherein said borrower is associated with said account, includes receiving an email message at said electronically accessible resource from said investor, wherein said email message includes said request. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 35, Martin discloses wherein said receiving a request via said electronically accessible resource from said borrower for a service, wherein said borrower is associated with said account, includes receiving said request during a use of said electronically accessible resource by said borrower. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 36, Martin discloses a method for facilitating response to an inquiry from an investor regarding a commercial mortgage loan, comprising:
accessing by an investor an electronically accessible resource, that includes information regarding an existing mortgage loan, receiving an inquiry via said electronically accessible resource from said investor regarding said mortgage loan;
determining at least one other investor associated with said mortgage loan;
determining a response to said inquiry and providing said response to said investor and said at least one other investor. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

Martin fail to explicitly teach commercial, and wherein ownership interest in the mortgage loan is provided to at least one investor via at least one commercial mortgage backed security.

However Ashenmil discloses in the preferred embodiment, the REBO may be collected with other REBOs to produce a pool of REBOs, thereby diversifying the investment and reducing the overall risk. Since the REBO is an option or contractual right on the part of the REBO owner to receive a future cash flow, it is as easily securitized as any other cash generating asset, such as credit card accounts, home equity loans, and mortgages. Securitizing a REBO or pool of REBOs enables the owner of the REBOs to receive cash in the present for a predicted future cash flow. As such,

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well-known methods of asset-backed securitization can be applied to the REBO to make it a valuable investment tool.(see column 11 lines 15-32).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Martin to include and wherein ownership interest in the mortgage loan is provided to at least one investor via at least one commercial mortgage backed security taught by Ashenmil in order to securitizes the mortgage.

As per claim 37, Martin discloses wherein said electronically accessible resource includes a Web site. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 38, Martin discloses, wherein said providing said response to said investor and said at least one other investor includes allowing said investor and said at least one other investor to access said response via said electronically accessible resource. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 39, Martin discloses wherein said providing said response to said investor and said at least one other investor includes providing an electronic communication to said investor and said at least one other investor that includes said response. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 40, Martin discloses wherein said receiving an inquiry via said electronically accessible resource from said investor regarding said commercial mortgage loan includes receiving an email message at said electronically accessible resource from said investor, wherein said email message includes said inquiry. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 41, Martin discloses wherein said receiving an inquiry via said electronically accessible resource from said investor regarding said commercial mortgage loan, includes receiving said inquiry during a use of said electronically accessible resource by said investor.

As per claim 42, Martin discloses wherein said providing said response to said investor and said at least one other investor includes providing data to said investor and said at least one other investor, said data being indicative of a location of said response. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

As per claim 43, Martin discloses a system for facilitating payment by a borrower having an account involving a commercial mortgage loan, backed -sew, comprising: a memory;
a communication port; and
a processor connected to said memory and said communication port, said processor being operative to allow-accessing, by a borrower an electronically accessible resource, that includes information regarding a commercial mortgage loan account, determine a payment due, currently or in the future, from said borrower wherein said payment is associated with existing terms of said commercial loan account (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24) provide a notification via a first electronic communication to said borrower regarding said payment;
receive authorization from said borrower via a second electronic communication to process said payment and process said payment. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

Martin fail to explicitly teach wherein commercial and ownership interest in the commercial mortgage loan is provided via at least one commercial mortgage backed security.

However Ashenmil discloses in the preferred embodiment, the REBO may be collected with other REBOs to produce a pool of REBOs, thereby diversifying the investment and reducing the overall risk. Since the REBO is an option or contractual right on the part of the REBO owner to receive a future cash flow, it is as easily securitized as any other cash generating asset, such as credit card accounts, home equity loans, and mortgages. Securitizing a REBO or pool of REBOs enables the owner of the REBOs to receive cash in the present for a predicted future cash flow. As such,

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well-known methods of asset-backed securitization can be applied to the REBO to make it a valuable investment tool.(see column 11 lines 15-32).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Martin to include wherein commercial and ownership interest in the commercial mortgage loan is provided via at least one commercial mortgage backed security taught by Ashenmil in order to securitizes the mortgage.

As per claim 44, Martin discloses a computer program product in a computer readable medium for facilitating payment by a borrower having an account involving a commercial mortgage loan, comprising:

instructions for facilitating access by a borrower to an electronically accessible resource, that includes information regarding an existing mortgage loan account instructions for identifying a payment due, currently or in the future, from said borrower wherein said payment is associated with existing terms of said loan account(see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24) instructions for sending a notification via a first electronic communication to said borrower regarding said payment, instructions for obtaining authorization from said borrower via a second electronic communication to process said payment; and instructions for making said payment. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

Martin fail to explicitly teach wherein commercial and ownership interest in the commercial mortgage loan is provided via at least one commercial mortgage backed security.

However Ashenmil discloses in the preferred embodiment, the REBO may be collected with other REBOs to produce a pool of REBOs, thereby diversifying the investment and reducing the overall risk. Since the REBO is an option or contractual right on the part of the REBO owner to receive a future cash flow, it is as easily securitized as any other cash generating asset, such as credit card accounts, home equity loans, and mortgages. Securitizing a REBO or pool of REBOs enables the owner of the REBOs to receive cash in the present for a predicted future cash flow. As such,

well-known methods of asset-backed securitization can be applied to the REBO to make it a valuable investment tool.(see column 11 lines 15-32).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Martin to include wherein commercial and ownership interest in the commercial mortgage loan is provided via at least one commercial mortgage backed security taught by Ashenmil in order to securitizes the mortgage.

As per claim 45, Martin discloses a system for facilitating referral by a borrower to a vendor comprising:
a memory;
a communication port; and
processor being a processor connected to said memory and said communication port, said allow access, by a borrower, to an electronically accessible resource, that includes information regarding an existing mortgage loan account, wherein the borrower has an account involving a mortgage loan and ownership interest in the commercial mortgage loan is provided via at least one commercial mort-gage backed security(see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24) receive a request via said electronically accessible resource from said borrower for a referral for a service, wherein said borrower is associated with said account; identify a vendor that can provide said service; identify at least one step associated with said request; provide a notification via an electronic communication to said vendor regarding said request and said at least one step; and communicate with said vendor regarding said at least one step. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

Martin fail to explicitly teach wherein commercial and ownership interest in the commercial mortgage loan is provided via at least one commercial mortgage backed security.

However Ashenmil discloses in the preferred embodiment, the REBO may be collected with other REBOs to produce a pool of REBOs, thereby diversifying the investment and reducing the overall risk. Since the REBO is an option or contractual

right on the part of the REBO owner to receive a future cash flow, it is as easily securitized as any other cash generating asset, such as credit card accounts, home equity loans, and mortgages. Securitizing a REBO or pool of REBOs enables the owner of the REBOs to receive cash in the present for a predicted future cash flow. As such, well-known methods of asset-backed securitization can be applied to the REBO to make it a valuable investment tool.(see column 11 lines 15-32).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Martin to include wherein commercial and ownership interest in the commercial mortgage loan is provided via at least one commercial mortgage backed security taught by Ashenmil in order to securitizes the mortgage.

As per claim 46, Martin discloses a computer program product in a computer readable medium for facilitating payment by a borrower having an account involving a commercial mortgage loan, comprising:

instructions for facilitating access, by a borrower, to an electronically accessible resource, that includes information regarding an existing mortgage loan account (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24)

instructions for obtaining a request via said electronically accessible resource from said borrower for a referral for a service, wherein said borrower is associated with said account, instructions for selecting a vendor that can provide said service;

instructions for selecting at least one step associated with said request (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24) instructions for sending a notification via an electronic communication to said vendor regarding said request and said at least one step; and

sixth instructions for maintaining contact with said vendor regarding said at least one step. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24)

Martin fail to explicitly teach commercial and wherein ownership interest in the mortgage loan is provided via at least one mortgage backed security.

However Ashenmil discloses in the preferred embodiment, the REBO may be collected with other REBOs to produce a pool of REBOs, thereby diversifying the investment and reducing the overall risk. Since the REBO is an option or contractual right on the part of the REBO owner to receive a future cash flow, it is as easily securitized as any other cash generating asset, such as credit card accounts, home equity loans, and mortgages. Securitizing a REBO or pool of REBOs enables the owner of the REBOs to receive cash in the present for a predicted future cash flow. As such, well-known methods of asset-backed securitization can be applied to the REBO to make it a valuable investment tool.(see column 11 lines 15-32).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Martin to include commercial and wherein ownership interest in the mortgage loan is provided via at least one mortgage backed security taught by Ashenmil in order to securitize the mortgage.

As per claim 47, Martin discloses a system for facilitating response to an inquiry from an investor regarding a commercial mortgage loan,

comprising:

a memory;

a communication port; and

a processor connected to said memory and said communication port, said processor being operative to allow access, by an investors to an electronically accessible resource, that includes information regarding an existing mortgage loan, receive an inquiry via said electronically accessible resource from said investor regarding said mortgage loan(see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24)

determine at least one other investor associated with said mortgage loan;

determine a response to said inquiry and provide said response to said investor and said at least one other investor. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

Art Unit: 3692

Martin fail to explicitly teach commercial and wherein ownership interest in the commercial mortgage loan is provided to at least one investor via at least one commercial mortgage backed security.

However Ashenmil discloses in the preferred embodiment, the REBO may be collected with other REBOs to produce a pool of REBOs, thereby diversifying the investment and reducing the overall risk. Since the REBO is an option or contractual right on the part of the REBO owner to receive a future cash flow, it is as easily securitized as any other cash generating asset, such as credit card accounts, home equity loans, and mortgages. Securitizing a REBO or pool of REBOs enables the owner of the REBOs to receive cash in the present for a predicted future cash flow. As such, well-known methods of asset-backed securitization can be applied to the REBO to make it a valuable investment tool.(see column 11 lines 15-32).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Martin to include commercial and wherein ownership interest in the commercial mortgage loan is provided to at least one investor via at least one commercial mortgage backed security taught by Ashenmil in order to securitizes the mortgage.

As per claim 48, Martin discloses a computer program product in a computer readable medium for facilitating response to an inquiry from an investor regarding a commercial mortgage loan comprising:

instructions for facilitating access by an investor to an electronically accessible resource, that includes information regarding an existing mortgage loan, instructions for obtaining an inquiry via said electronically accessible resource from said investor regarding said mortgage loan(see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24)

third-instructions for identifying at least one other investor associated with said mortgage loan instructions for identifying a response to said inquiry; and instructions for sending said response to said investor and said at least one other investor. (see column 7 lines 29-43 and see column 6 lines 63-67 and column 7 lines 1-19 and column 8 lines 12-24).

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Conclusion

RESPONSE TO ARGUMENTS

5. Applicant's arguments files on 02/6/07 have been fully considered but they are moot in view of new grounds of rejections.
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3692

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication from the examiner should be directed to Clement Graham at (703) 305-1874. The examiner can normally be reached on Monday, Tuesday, and Wednesday from 5:30AM. to 6:00PM.

5. If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777.

The Official Fax Number for TC-3600 is: (703) 305-7687

Clement Graham

April 29, 2007


CLEMENT GRAHAM
PRIMARY EXAMINER
